

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 220 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANKERLAL MOTILAL PATEL

Versus

GUJ. STATE FINANCE CORPORATION

Appearance:

None appears for Petitioner
MS VASUBEN P SHAH for Respondent No. 1
Mr H S Munshaw for respondent

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/08/96

ORAL JUDGEMENT

This Special Civil Application has been filed challenging the proposed action of the respondent-Gujarat State Financial Corporation under section 29 of the State Financial Corporations Act. The petitioner, who was running a small scale industry in the name of Swastik Engineering Works in Shed No. 101/4-B, GIDC, Vadhav

City, Surendranagar District was sanctioned a financial assistance to the tune of Rs. 8,11,000/- in the year 1982, out of which the petitioner had withdrawn a sum of Rs. 87,000/- The petitioner is admittedly a defaulter. A notice was given to the petitioner to deposit sum of Rs.91 lakhs. However, the same was not deposited. In view of this, the GSFC issued notice dated 20.12.1986 for recovery of the dues under the provisions of Section 29 of the State Financial Corporations Act. The plea of the petitioner is that he had not been paid the subsidy of Rs.1,88,000/-. He further states that on account of the accident which took place in the factory in the year 1985, he could not make the payment.

2. Having gone through the petition, I find no illegality in the notice issued by the GSFC under section 29 of the Act. The petitioner is admittedly a defaulter. The GSFC is not required to pay the subsidy. In view of the above, the petitioner is not entitled to any indulgence by this Court under Article 226 of the Constitution of India.

3. In view of the aforesaid, there is no merit in the Special Civil Application and the same is accordingly rejected. Rule discharged with no order as to costs.

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